



Interim post-Bayh era begins

Ellsworth gets most initial '12 buzz, but Hoosier Dems have options

By **BRIAN A. HOWEY**

INDIANAPOLIS - In this, the first week of the Interim Post Bayh Era, here is our assessment of potential 2012 gubernatorial candidates rated on our "Viability Scale": 5 meaning strong, to 1 meaning weak:

U.S. Rep. Brad Ellsworth:

Here is where the earliest money appears to be flocking. Hammond Mayor and Lake County Democratic Chairman Thomas McDermott is encouraging Ellsworth to seek the governorship in 2012. "Brad and I talked today," McDermott told Howey Politics Indiana as he drove to Soldier Field in Chicago for the Bears game. "I think he'd be the candidate who makes the most sense. He's invested four or five million dollars into the Ellsworth name statewide. I'm trying to talk him into it."



Evansville Mayor Jonathan Weinzapfel (left) at an April 22, 2008 Obama rally at Roberts Stadium, and U.S. Rep. Brad Ellsworth (below). HPI Photos by Brian Howey and Steve Dickerson)



St. Joseph County Democratic Chairman Butch Morgan is also supportive. "If Brad Ellsworth were to run I'd support the guy," Morgan said.

Going into 2010, he was "Landslide Ellsworth," winning two Vanderburgh County sheriff races (one unop-

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Bayh, party & family

By **BRIAN A. HOWEY**

INDIANAPOLIS - On his first day in office as Secretary of State in January 1987, Evan Bayh had to preside over a Congressional and two Indiana House recounts and found himself under enormous pressure to make rulings favoring Democrat candidates. He didn't.

On his first day as governor of Indiana in January 1989, Evan Bayh found himself with a Republican Senate and a 50/50 split in the Indiana House and was compelled to reach out to Republicans on his way to becoming one of the most effective modern Indiana chief executives.

On his first day as a U.S. Senator



"I cannot overstate what a privilege and honor it has been serving in this capacity."

- Republican Chairman J.

Murray Clark, who is stepping down today





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in January 1999, Evan Bayh was sworn in as a juror in the impeachment trial of President Bill Clinton.

Such are the life and times of Evan Bayh, a senator's son, a fortunate one who tried to traverse the very center where liberal critics said he would simply become road kill. In a presidential context, that is probably true. His efforts to form a moderate core in the Senate essentially allowed Barack Obama to rush by in the left lane on his way to the White House. But hewing to the center also made Bayh one of the most chronically popular Hoosier political figures of modern times. His election wins and approval ratings were consistently in the 60th percentile.

And it was Obama's tack to the left - with Speaker Nancy Pelosi and Senate Majority Leader Harry Reid filling in the script - that created the harrowing political climate Bayh found last January when Scott Brown was elected to Sen. Ted Kennedy's Massachusetts Senate seat. To Evan Bayh, this was a precursor to a disaster he would have no part of. On Feb. 15 - President's Day - Bayh flanked himself with wife and sons and told the nation and Hoosiers that he'd had enough. He loved America. He loved Indiana. He did not "love Congress."

What followed were the Bayh Dominoes. As he stepped aside, he allowed the Obama-Pelosi-Reid troika forge historic law on the stimulus and health care fronts, but the political fallout engulfed those who picked up the Bayh mantle. It was a chain reaction that brought defeat to the undefeated like he had been: Brad Ellsworth, Trent Van Haaften, Bob Deig, Patty Avery.

And while there was anger for not defending his Senate seat in quadrants of the Indiana Democratic Party that he had revived in 1986, and

for being the first domino to tumble, for not giving more than \$1.5 million to Democrats facing the worst tsunami since 1948, when it came to challenges just over the horizon all eyes turned to Evan Bayh one more time.

For many, it was disappointment when Bayh announced late Saturday night he would not seek a third term as Indiana governor. The man who became a legacy as a senator's son and who wrote a book about fatherhood, stepped back because of



his own sons who would be sophomores at a time their dad would be out raising millions and spending time in Greenwood, Greencastle, Greensburg and Greentown when time might be better spent chucking footballs in the backyard.

"When my days are done and I'm looking back on my life, I'm probably going to think about whether I've been a good father and a good husband," Bayh said on Monday. "And then maybe some of the political stuff will come later. I loved being governor and I think we were able to get some good things done for the state and those were happy days. But as I approached making the decision, I



had to weigh not only political and public policy factors, but the welfare of my family. It might have been a different situation if my kids were three or four years older. I've got teenagers who are going to be sophomores in high school. I just kept coming back to that. I just felt as a father I had an obligation to put them first. I'm always going to be dedicated to public service and public policy. I am going to stay involved. But at this moment I felt I had to make my kids my highest priority instead of politics."

When a politician says he makes a call based on a family decision, my overwhelming tendency is to believe them. With the Bayhs, the family ran thick. It registered early during a campaign swing through Warrick and Vanderburgh counties during his first gubernatorial campaign of 1988. Bayh began the day with aides, visiting the sprawling Alcoa plant and then hitting a TV studio where a reporter pissed him off by suggesting he was "perfect," and finally a labor rally where wife Susan and father Birch joined him.

At 10:30 p.m. as this writer sat exhausted, I looked up in amazement to see Evan and Susan Bayh up on the dais, still pumping hands. And in a truly unforgettable moment, I ended up in the backseat between Birch and Evan on the way to a Hardees for late night ice cream, with the former telling the latter, "Nice job, son."

The senior Bayh wasn't always there. He was elected to the Indiana House in 1954 and became minority leader in 1956, the year Evan was born, and House Speaker in 1959 and then on to the U.S. Senate in 1962, the tumultuous Vietnam era and a harrowing reelection campaign of 1968. Evan Bayh was an only and often lonely child.

The arc of Evan Bayh was established early as a one-day presidential contender that would drive and color

every stop he made. But once the twins arrived at the governor's mansion, the subplot was always family.

Here the better tendencies of Evan Bayh - to be a good father, a good husband, to teach moderation, to be a conciliator and a problem solver - came to a collision course with the polarization and deepening antagonisms, coarseness and crudeness of modern American politics. The days when Sen. Everett Dirksen - the godlike Republican leader and orator - would inquire how he might help the 1968 reelection campaign of Sen. Birch Bayh were over. It came down to raising money, caucus isolation, being the team player in the face of common sense, raising more money, and the politics of annihilation.

When the reelection of 2010 threatened to engulf the wife who had enriched the family with her corporate board profession that comes with pillow talk, Evan Bayh had had enough.

When a run for governor would mean missing a school play or a basketball game or a lacrosse match, Evan Bayh prioritized as a moderate and a father.

He left little doubt that maintaining the fortune of good health will bring other political opportunities. "It's not out of the realm of possibility that I will reenter public life," Bayh said. "I intend to be a supporter and a participant, not just over the next year or two but over the long haul. I think it's important for me not to be just a contributor for one year or two, but on a sustained basis over a long time."

Put another way, in Indiana's bicentennial year of 2016, Evan Bayh will be 60 years old, an age when many men and women become a governor or senator for the first time.

Evan Bayh leaves Indiana Democrats in the state in which he found them: defeated and dispirited. The party lost its leader to his own family. ♦

Democrats, from page 1

posed) and two 8th CD races with no one coming within 30,000 votes. He lost to Sen.-Elect Dan Coats by a 55-40 percent margin in what was a late-starting campaign (beginning last Feb. 19) in the teeth of a GOP tsunami. Ellsworth gets strong party accolades for not only stepping up into the Bayh breach, but for voting for the Obama health reforms, which will be an issue he will have to defend should he reenter politics. Normally more than a year of planning goes into a Congressional bid or a statewide U.S. Senate campaign, so Ellsworth cannot be blamed entirely for his first loss.

However, his Senate campaign rested on one huge issue - Dan Coats as a lobbyist - that failed. It never gained traction. A more obvious appeal to Hoosier voters - the Obama administration's resurrection of the domestic auto

industry - was largely ignored and Ellsworth didn't have the money to burnish another issue. These were tactical mistakes that might not have made a difference given the atmosphere.

The Ellsworth campaign had other problems. Its media relations were abysmal. It was much harder than normal to communicate with the candidate, or even get an interview (a frequent topic among reporters). When HPI finally was able to arrange a phoner with Ellsworth in June, he was pleased with the outcome and wondered why we didn't talk more often. Good staff keeps those lines of communications open. Ellsworth also needs to broaden his staff to bring in other party constituencies and regional input.

Ellsworth has many attributes that would play well in a gubernatorial race. He and his wife make an ideal, telegenic couple. Both are excellent public speakers. He's got a great life story. His Southern Indiana base will be important in 2012 as Indiana Democrats try to resuscitate its



Ohio/Wabash river base. Ellsworth can run as a pro-life, fiscal Blue Dog, strong on crime and national security. Without a congressional seat to defend, he could borrow a page from Gov. Daniels, rent an RV and traverse the state, doing what he does best which is to schmooze with the people. In doing so, Ellsworth will have time to build the most important aspect of the next Democratic gubernatorial campaign: a set of issues that reflects the values and needs of 6.3 million Hoosiers. He has to have a message and the ability to raise money. Ellsworth has the talent set to do this. He has been a courageous and effective office holder over the past two decades. The key question is whether he can put it altogether and communicate all that he stands for in a statewide gubernatorial campaign? The key dilemma: how does he sort things out with Evansville Mayor Jonathan Weinzapfel? Horse Race Viability Scale: 5

U.S. Rep. Joe Donnelly: St. Joseph County Democratic Chairman Butch Morgan says the new Congressional maps could determine whether Donnelly seeks a fourth term in 2012 or runs for governor. Morgan said that Donnelly "loves" serving in Congress and would probably lean toward staying there unless his district changes so dramatically that it makes his reelection untenable. He expects Democrats to take the next six months, see where the Congressional and legislative maps are, then coalesce around a candidate. "If both parties would elect people like Ellsworth and Donnelly our country would be in better shape," Morgan said.

Donnelly told the South Bend Tribune in an e-mail, Donnelly said in an e-mailed statement, "Hoosiers made it clear in November that every public official should have a laser-like focus on jobs and the economy. That has been and will continue to be my focus. The politics will take care



Evansville Mayor Jonathan Weinzapfel (top) at French Lick in August while U.S. Rep. Joe Donnelly would like to return to Congress unless his district is untenable after the new maps are drawn. (HPI Photo by Brian A. Howey)

of itself."

Donnelly is highly regarded by Democrats, having gutted out a tough win last month. But he is well respected among independent and even Republican voters, and gets grudging respect from business interests.

Donnelly is a Blue Dog fiscal Democrat, pro-life and is the kind of Democrat who can potentially appeal to demographics the party lost this past cycle: white women, independents and Reagan Democrats. He was an ardent defender of the Obama administration's auto restructuring, but drew the line on the controversial Cap-and-Trade legislation. Donnelly also has an independent streak, publicly opposing Speaker Pelosi's leadership reelection last month.

Donnelly's biggest challenge is that he isn't very famous south of Kokomo and toward the Illinois and Ohio lines. As a Congressional incumbent, he would face the same dilemma that faced U.S. Rep. David McIntosh in 2000: missing Congressional votes drew daily rebukes from the opposite party. It would be tougher for Donnelly to build up his name ID across the state while serving in Congress (U.S. Rep. Mike Pence would have a huge head start on this front with his past radio show and his campaigning for other Republicans over the past several election cycles).

His strengths include his ability to raise money, his retail campaign style, and his general standing among influential Hoosier Democrats. Horse Race Viability Scale: 4

Evansville Mayor Jonathan Weinzapfel: The two-term mayor and former state representative entered the 2012 gubernatorial cycle as the hottest per-



sonality. His 2009 appearance before the Jefferson-Jackson Day Dinner set off an unmistakable buzz. But within a month, his mojo went careening into a ditch when it was revealed he secretly conspired with Vanderburgh County officials to scap the homestead tax exemption. As Vanderburgh County Treasurer Rick Davis - who has already announced for the Democratic mayoral primary - put it, "Obviously, the biggest reason would be the homestead credit. \$5.1 million was taken from 46,000 homeowners in 2009. That was a big error on the part of the mayor's administration." While the credit was reinstated, Weinzapfel will almost certainly be on the defensive for that mistake either in a Democratic primary or in the general. While we don't view it as a "fatal error," it's not the kind of thrust a candidate needs heading into a gubernatorial campaign. It will be critical for Weinzapfel to figure a way to defuse it.

Weinzapfel has been a good mayor, but even supporters have a hard time of summarizing Weinzapfel's mayoral tenure. He is building a new downtown stadium and the city has avoided some of the pitfalls that have faced other big cities in the property cap era.

Weinzapfel can draw on his three terms in the Indiana House where he came within an eyelash of becoming caucus leader and, potentially, House speaker. He would play well to the critical Southern Indiana base that is eroding for the party. He has a telegenic young family and can count on some influential support from former House Speaker John Gregg.

Our sense is that many Hoosier Democrats will want to hear Weinzapfel's pitch. If he calibrates it right, he could be the guy we thought he was back in the days when Bayhs were in the Senate, Ellsworths and Donnelly's were in the House and Democrats looked to their once-deep mayoral bench. Key question: Would Weinzapfel run for a third term and then turn around and seek higher office? The Dick Lugas, Steve Goldsmiths and Win Moseses of the world would advise a resounding "no." Vanderburgh Democratic Chair Mark Owen explained to the Courier &

Press, "I think we'll get an indication fairly soon. If he announces for mayor, I think it'd be difficult to run a mayor's race and a governor's race at the same time." Horse Race Viability Scale: 3.5

U.S. Rep. Baron Hill: The five-term Democrat has long expressed interest in running for governor. While Hoosier politicians like Dick Lugar, Mike Pence, Phil Sharp and John Brademas have recovered from defeat to fight and win another day, Hill has logged three Congressional defeats, including his 2004 reelection and his 1990 U.S. Senate loss to Dan Coats. After losing to Todd Young on Nov. 2, the timing for a gubernatorial run just seems to be off for the 2012 cycle given his last performance in Southeastern Indiana. In the early stages of this race, there isn't a lot of buzz about Hill at this point. Having said that, there's no question that Hill is a gutsy politician willing to spend political capital, as his late April 2008 endorsement of Barack Obama,

his Cap-and-Trade and health care votes reveal. Horse Race Viability Scale: 2.5

Hammond Mayor Thomas McDermott

Jr.: The Lake County Democratic chairman has already announced he's seeking reelection to the office he had a narrow victory in 2007. That would seem to preclude a gubernatorial run and he is actively backing Ellsworth. "Hammond residents don't like to hear their mayor is looking elsewhere," McDermott said on Sunday. "I made a decision to focus on reelection. I will be on the ballot for mayor of Hammond in 2011. We'll see what happens in 2012." While McDermott looks to be an unlikely gubernatorial candidate, you don't have to be a geography scholar to envision an Ellsworth/McDermott ticket. As Lake County chairman, McDermott will certainly be an influential player in who emerges, particularly after his Punch 10 effort brought 40,000 straight party ballots. Horse Race Viability Scale: 2



U.S. Rep, Baron Hill with Bloomington Mayor Mark Kruzan last August. (HPI Photo by Brian A. Howey)



Kokomo

Mayor Greg Goodnight:

He is a true rising star in the Democratic Party. He took the helm of Kokomo just as the Great Recession and the property tax caps began, then watched as GM, Chrysler and Delphi teetered on the brink of liquidation. Had that happened, Kokomo and the interior of Indiana would have sunk into a Great Depression. Goodnight was a key local voice during the Obama auto restructuring and a key figure in developing a new relationship with Fiat, and became one of Indiana's most innovative mayors. He started the K-Fuel program (restaurant grease into city fleet diesel fuel), merged 911 dispatch centers, started a city bus service, trimmed fire department and ambulance service costs through attrition and privatization, reduced the city payroll and ignited the debate on Kokomo/Howard County consolidation. He is a heavy favorite to win a second term. Goodnight is a former union leader (playing a role in helping Haynes International emerge from bankruptcy) and lost a 5th CD congressional race. For a party mired in defending the status quo with a void of ideas, there is a beacon mayor working in the City of Firsts. Goodnight will certainly be on LG short lists. Horse Race Viability Scale: 4

Lake County Sheriff Roy Dominguez:

The out-going sheriff conducted a gubernatorial campaign listening tour in 2009, then receded after Evan Bayh's Senate bombshell prompted speculation that the senator might return to a governor's race. We just don't see being Lake County sheriff as a very viable base to run for the state's highest executive office. Dominguez will make many LG short lists. Horse Race Viability Scale: 1

State Sen. Vi Simpson: She was a gubernatorial candidate in 2003 after Lt. Gov. Joe Kernan withdrew from the race and before Gov. Frank O'Bannon died. She crossed swords with the UAW, which backed the Joe Andrew campaign, and then withdrew after O'Bannon's death



Kokomo Mayor Greg Goodnight (left) with Fiat CEO Sergio Marchionne in Italy in 2009. (City of Kokomo Photo)

and the reemergence of Gov. Kernan. She could potential draw on support from the dwindling cast of legislators. She heads the tiny Senate Democratic caucus and has waged a losing war in growing that caucus. It might appeal to Simpson to try and reenergize the Democratic Party with a gubernatorial run. Horse Race Viability Scale: 2.5

Kathy Davis:

There is no indication the state's first female lieutenant governor is actively looking into this race, but Democrats would be wise to at least have the conversation and seek her counsel. The party is devoid of message right now, beyond its defense of the status quo that even

President Obama is challenging (i.e. education reform). Not only has Davis been an innovative entrepreneur, she has vivid local government (Indianapolis controller) and state bureaucracy (FSSA) roots and Gov. Kernan charged her with studying state and local government reforms during their brief administration. Therein lie the seeds of what would become the Kernan-Shepard Commission on Local Government Reform. There's a fitting place for Davis's voice in the next year if Democrats want to revive their fortunes, if not a seat at the Democratic table. Horse Race Viability Scale:

John Gregg: The former House speaker has repeatedly told HPI he isn't interested, preferring to concentrate on business and family (though his oldest son attends Butler University, about five blocks from the governor's mansion). If Gregg were to change his mind, he would instantly jump to the front of the pack. He's backing Weinzapfel. Wistful Democrats are only left to wonder how exciting, how entertaining a Gregg gubernatorial bandwagon would be. He will certainly be on all short lists for LG, and a five-month campaign might be more appealing than spending two years campaigning to be the 800-pound gorilla. Horse Race Viability Scale: 1

Jill Long Thompson: Please. Horse Race Viability Scale: 0 ❖



HPI's exit interview with Sen. Evan Bayh

By **BRIAN A. HOWEY**

INDIANAPOLIS - With just three weeks to go in his second and final term as a U.S. senator and his decision not to seek the Indiana governorship in 2012, Howey Politics Indiana conducted an exit interview with Evan Bayh on Monday morning. The current chapter of the Bayh dynasty is ending, but there likely will be more in the years to come.

HPI: How did you end up making the decision not to run? When most of us left French Lick in August, the prevailing opinion was that you'd come back and run. What happened in the interim?

Bayh: The possibility of running for governor again had been on my mind for some time. I loved being governor and I think we were able to get some good things done for the state and those were happy days. But as I approached making the decision, I had to weigh not only political and public policy factors, but the welfare of my family. It might have been a different situation if my kids were three or four years older. You've got a family. You can understand that. I've got teenagers who are going to be sophomores in high school. I just kept coming back to that. I understand politics. I looked at the situation facing the state and what I might be able to do about it, but I kept thinking, should I put my political ambitions ahead of them when for 25 years government and politics had always come first? I just felt as a father I had an obligation to put them first. I'm always going to be dedicated to public service and public policy. I am going to stay involved. But at this moment I felt I had to make my kids my highest priority instead of politics.

HPI: How do you envision participating in the public square over the next four or five years?

Bayh: When my days are done and I'm looking back on my life, I'm probably going to think about whether I've been a good father and a good husband. And then maybe some of the political stuff will come later. It could be in a variety of ways. Notre Dame asked if I could come speak there. I will. I've offered to President McRobbie at IU to help any way I can for my alma mater.

I can be a sounding board and an adviser. A supporter of people who are running for public office whether for mayor or governor or the United States Senate. My father continued to be very active even after he was no longer in elective office. And there are other examples of that. It could be anything from working with a think tank or university, to advising or helping people running for public office. It is possible I will return to public office. Time will tell. My decision about running for governor for 2012 was only about that. It's one thing to uproot your kids when they were in grade school. But to do that in high school, that's a lot harder on them.

HPI: Would you be interested in a White House job, a cabinet position or something along those lines?

Bayh: It would be presumptuous for me to specu-



Sen. Bayh with former Sen. Sam Nunn during a July 2008 Obama campaign event at Purdue. Nunn used his post-Senate career to head up the Nuclear Threat Initiative with Ted Turner. (HPI Photo by Brian A. Howey)

late about that. But I'm enough of a patriot that if the president asked me to serve in some capacity, I'd probably do that. But that's up to him and there's no news to report on that front.

HPI: Have you had any conversations about 2012 with Congressman Ellsworth? Or anyone else?

Bayh: No, I've not. I needed to focus on making



my decision. I wanted to make it promptly and I did. And now others can look at the situation and make their own judgments. I am a friend to all these people. I want to be objective in offering advice and counsel and they can make their own decisions.

HPI: I wrote extensively about the erosion of the Democratic base, particularly in Southern Indiana. Are you concerned about that?

Bayh: I read that. I read your stuff every day. It does. I think it's quite right that you focused on the geography. Previously you noted that my father and I had always run well there because that's the part of the state we come from. So I look at it not only in geographic terms, but in ideological terms as well. Our state is a more moderate to conservative state. Even a big chunk of the Democratic Party. And so it's not possible to run for statewide office unless you can demonstrate to voters that you can be flexible with their tax dollars and economic growth, you can be strong on national security, you embrace traditional values, and those sorts of things. It worked well for me. Those are things I believed in. That's why it was natural for me and my father before me. I think it's in its most concentrated manifestation in the southern part of our state. But it's not limited to there.

HPI: How important is it to have a Southern Indiana Democrat on the ticket in 2012?

Bayh: I'm going to offer counsel and advice when asked. I can put it this way: all else being equal I think it would be helpful. But the most important thing isn't geography, it's what the person believes and whether they are an authentic spokesperson for those beliefs. It's possible for someone to resonate well in Southern Indiana even if they're not from that part of the state because they are fiscally responsible, they care about raising businesses and jobs, embrace strong national security and the traditional family values that I mentioned. It would be ideal if you have the geography as well as the beliefs, but the most important thing is who the individual is, what they believe and whether they can authentically convey those beliefs to people. You can have a pollster tell you what the most popular thing to say is, but unless you believe it and embrace it with your life, people can see that.

HPI: You considered education your hallmark as governor. What are your impressions of the moves Gov. Daniels and Supt. Bennett are making with education

reforms in 2011? As well as the Obama-Duncan reforms federally?

Bayh: A couple of things. I think education is the most important issue long term because it is related to jobs, global economic competitiveness, which then generates revenue that can pay down our deficit and everything else. I've often said that if I had a magic wand and could do one thing, I would create an education system that would allow every child to reach their potential. It's so important to everything else. I can't speak with much knowledge about the specific proposals Gov. Daniels has made, but I do embrace principles like accountability and results. I think that's very important. High academic standards; I don't think you can water down the standards because that is the real world they are going to be entering. And,

some competition within the public school system, like with charter schools and that kind of thing, I embrace those principles. The best way to go about it is to combine more resources for the schools with higher standards and accountability for meeting them and real consequences for schools and individuals who aren't doing well enough. With the current budget proposals facing the state, I don't know if that will be possible. The right way to go about it is to say to educators, look, we'll provide more resources, but we're also go-

ing to expect more. That goes for all government, not just education: more accountability on outcomes. Taxpayers are just so skeptical about government's ability to deliver results, so if you're a progressive and believe in a role for government, I think you have to be especially devoted to delivering results. I think that is important to reviving the fortunes of the Democratic Party.

HPI: You revived the Democratic Party between 1986 and 1988. They've fallen on hard times today. What is your advice to Indiana Democrats over the next year?

Bayh: First, this is a difficult time. The election was a difficult election. If you look at America all the way from Pennsylvania across to Iowa, it was difficult. Look at Ohio, Michigan, we lost the president's old Senate seat. Wisconsin. We got blown out in Florida. You take out California and the West Coast and it was very difficult in the rest of the country. But I am actually much more optimistic about two years from now, particularly if we can get an added boost in the economy. You can see some of the economists - even the more conservative like Goldman Sachs - are increasing their predictions for economic growth over the next year or two because of the growth

'It's not out of the realm of possibility that I will reenter public life. I don't know what capacity that would be. But I absolutely intend to be helpful to other candidates. I've always been.'



package we're going to hear about in the Senate. Exports are turning up. So if we can get growth and real jobs, and wage increases, that will be a much more favorable environment. No. 2, some of the most fervent parts of the right wing, which now dominates the U.S. House, you can bet they are going to overplay their hand. To the extent the president embraces the middle, which I think he's doing with this extension to make sure no one's taxes go up, then that will work for him. There are some other factors at work too. So how does that relate to Indiana? It's possible the Republicans will have a vigorous primary. We don't know what it will be like on the Democratic side. To the extent we can nominate someone from the sensible center and if we can avoid an expensive bloodletting, I think we may be fairly well positioned because the president will get the economy going again. He's probably not going to carry Indiana, but if the margins are modest enough, I think our governor nominee will have a chance. I'm here to offer encouragement and support. I do think the first things are the mayors races. They are very important. The nature of cities like Fort Wayne, where Tom Henry will be running again, a new nominee in South Bend with Mayor Luecke stepping down, and the crown jewel of Indianapolis. I think we need to focus like a laser in electing as many mayors as possible. Mayors then provide some of the basic building blocks for a party. That needs to be job one. If we get all caught up in the politics of 2012, I think that would be a mistake.

HPI: You're sitting on a \$10 million war chest. What happens to that?

Bayh: It's not out of the realm of possibility that I will reenter public life. I don't know what capacity that would be. But I absolutely intend to be helpful to other candidates. I've always been. I think over the past 10 years I've contributed more than \$4.5 million to Democrats from Indiana and nationally. I've always done TV ads and radio ads and direct mail pieces and campaign appearances. So I'm more than happy to continue to do all those sorts of things. I intend to be a supporter and a participant, not just over the next year or two but over the long haul. I think it's important for me not to be just a contributor for one year or two, but on a sustained basis over a long time. I know some people wish I had done a bit more in the last election, but I gave the state party \$1.5 million when the national party and the DSCC contributed zero. I was attempting to be generous in the short run while maintaining flexibility for the long term. It is ironic I was the most generous person and yet received criticism. I suppose that's just proof that no good deed goes unpunished. ♦

How Coats defeated Ellsworth for the Senate

By **BRIAN A. HOWEY**

INDIANAPOLIS - Seated in the Oval Office before the president in early September 2009 was U.S. Sen. Evan Bayh. "Are you 100 percent sure?" President Obama asked.

"I'm 98 percent sure," Bayh responded to his one-time Senate colleague and rival for the Democratic nomination, and - had the Indiana senator been selected for Obama's 2008 ticket - the man who would have been

his boss. The news Bayh brought to Obama was that he planned to retire from the Senate in 2010.

The implications were vast. A virtually "safe" Democratic Senate seat would almost certainly come into play in Red State Indiana despite



Obama's stunning once-in-a-generation breakthrough. And the young president and his political team knew that the sprawling policy agenda they were in the midst of hammering out would create treacherous political currents for Obama's first mid-term election.

No one was predicting then that Obama's Democrats would lose control of Congress and, most improbably, the Senate. Certainly Evan Bayh defending his Indiana seat was part of the calculus. While his father - U.S. Sen. Birch Bayh - had never won the seat by more than 5 percent, the younger Bayh was a landslide artist, winning twice with more than 63 percent of the vote.

It was on President's Day - Feb. 15, 2010 - that Bayh dropped his bombshell after the Obama team had spent the intervening time trying to keep him in the fold. After months of Bayh's self-admitted "procrastination," the earth was shaking. Republican Scott Brown had won the late Ted Kennedy's Senate seat in January. Within hours, Bayh was projecting a "catastrophe" for the Democratic Party. Bayh told ABC News, "If you lose Massachusetts and that's not a wake-up call, there's no hope of waking up."

Thirteen days before, Bayh had met with Indiana constituents on energy issues in his Senate office. When the meeting ended, he sighed and said, "Now I've got to go deal with a German ambassador." That night, word leaked out that former Republican Sen. Dan Coats, who had become ambassador to Germany on Sept. 10, 2001, was preparing to join the race with Bayh that he had ducked in 1998. Democrats had figured Bayh would face a second-



tier challenger like former Congressman John Hostettler or State Sen. Marlin Stutzman after Republican House Conference Chairman Mike Pence and Secretary of State Todd Rokita declined the challenge.

U.S. Sen. John Coryn and the National Republican Senatorial Committee watched with growing apprehension as the Indiana Republican field that also included Winchester businessman Don Banks Jr. and a Tea Party plumber from Carmel named Richard Behney raised less than \$250,000 combined. When Pence didn't take the bait, Coryn told Coats, "We have an outside shot to take the Senate, but there's no chance if we can't win in Indiana. And you give us the best chance." Coats accepted.

Thirteen days later, the decision looked prescient. "No one - not one person - gave me any inkling that Evan wasn't going to run," Coats said. "People very close to him - both politically and financially - told me they didn't have a clue." On the morning of Feb. 15, political operative Anne Hathaway dialed him up: there's a story that Bayh will retire. "I said, 'Anne, welcome to the age of bloggers. This stuff is all over all the time. If you've got something serious, call me back.'" She did 20 minutes later. "It's true," Hathaway said. After a long pause, Coats finally said, "I can't believe it."

Coats, too, had confounded his party as Bayh angled for a challenge to recapture his father's old Senate seat in 1998. Coats abruptly dropped out, saying 18 years in Congress with the constant need to raise money had jaded him. But in a farewell interview, he walked away before returning to tell this writer, "I could have beat Evan Bayh." Asked if his return in 2010 was "unfinished business," Coats acknowledged, "To be candid with you, a little bit. I had committed to term limits. I wanted to honor that commitment. But I did feel bad that in a sense I opened the door and turned a Republican seat into a Democratic seat."

Coats premised his resurfacing by saying he had become "increasingly alarmed and frustrated" by the "failure" of Washington leaders to listen while creating what he called "staggering debt" with "no regard for future generations."

With the Tea Party movement swirling around Republican circles and devouring some of his old colleagues, the reemergence of Coats teemed with ironies. He hadn't been on a ballot since 1992. But in the Senate, he had championed the line-item veto, out-maneuvering Senate lion Robert Byrd to get it passed and President Clinton's signature. It was the law of the land until the U.S. Supreme Court ruled it unconstitutional.

Hoosier Democrats, however, were in shock at Bayh's bug out. U.S. Rep. Baron Hill was flying 30,000 feet over Afghanistan when a soldier showed him his Blackberry with reports of Bayh's retirement. Brad Ellsworth, another Democrat from the Class of 2006 that brought three new Indiana seats into the party's fold, was just beginning a series of town halls near Evansville when the news hit. As the party hierarchy began sorting out the new era and as the filing deadline approached within hours, the dynamic sometimes turned surreal. A Facebook drive even commenced pushing Hoosier rocker John Mellencamp.

By the following weekend, after primary candidate filing had passed, the Democratic dominoes tumbled. Ellsworth, the telegenic former Vanderburgh County sheriff, would withdraw from the 8th CD and position himself for the Senate nomination that wouldn't come until a week after the May 4 primary with a vote from the 30-person state Democratic Central Committee. Hoosier Democrats would find no Senate nominee on their primary ballot. State Rep. Trent Van Haaften had filed for the 8th CD seat just before the deadline. State Sen. Bob Deig enlisted for Van Haaften's legislative seat. All were politically doomed.

As a GOP wave approached, the ripples that included Coats' lackluster 39 percent primary win and a \$1.06 million FEC report of cash-on-hand on June 30, had become riptides as the Obama-Biden "summer of recovery" became an Indiana jobless rate of 10.3 percent. Obama had saved General Motors and Chrysler (and up to 140,000 Indiana jobs, including its vast supplier network), but Gov. Mitch Daniels and Indiana Treasurer Richard Mourdock had scoffed at the fast-tracked bankruptcies. (Murdock would go on to spend \$2 million suing to overturn the Chrysler-Fiat merger in the U.S. Supreme Court, saying the deal perverted centuries of bankruptcy law. He lost.)

These were strange twists in a state in love with the internal combustion engine, with Coats lashing out at the Obama auto bailouts and stimulus money that was seeding the state's emerging electric car sector. Inexplicably, Ellsworth and Indiana Democrats barely raised the issue.

Polls consistently showed Coats with big leads. A July Rasmussen Reports survey had Coats leading 51-30 percent and on Sept. 14-15 the Republican maintained a 50-34 percent lead.

The Coats-Ellsworth race quickly came down to two major issues: Coats' role as a Washington lobbyist, and the Obama health reforms. Ellsworth and Indiana Democrats had hoped to turn the debate away from health care and to Coats' lobbying efforts on behalf of King & Spaulding. A





web video released in July tied Coats to Bank of America, recipient of a \$15 billion TARP bailout.

On health reform, Rasmussen Reports polling showed Indiana voters favoring repeal of the Affordable Care Act by 62 percent on Sept. 14-15, almost 10 percent above the national average. For Ellsworth, the reforms were a minefield. It was an Indiana company – WellPoint – that revived the flagging legislation when it raised policy premiums for some by up to 39 percent in February. Yet on health reform, Rasmussen Reports polling showed Indiana voters favoring repeal, possibly influenced by the warnings of Gov. Daniels, “It will raise by trillions the crushing debt we are already leaving young Americans. Any claims to the contrary are worse than mistaken, they are knowingly fraudulent.”

A “no” vote on the health reforms would be damaging to the Democratic base Ellsworth needed to be competitive. Between March 4 and 16, Ellsworth was mute. The campaign wasn’t returning calls. He finally put out a statement on March 16 saying, “I am looking carefully at the current language of the bill to ensure it meets my pro-life principles, and I will continue to work to ensure pro-life concerns are addressed.”

Three days later, Ellsworth announced his decision: “After assurance from the Catholic Health Association, Catholic nuns and pro-life advocates I am confident in my heart that this bill meets my pro-life principles and upholds the policy of no federal funding for elective abortions.” The news had hit as U.S. Rep. Bart Stupak was still trying to forge a compromise that would lead to Obama’s executive order.

In a June interview with *Howey Politics Indiana*, Ellsworth explained, “I’ve had mixed reaction. I have had no less than hundreds of meetings and thousands of phone calls and correspondence going back and forth. It was a diverse response: people who were all for it, people who were all against it. And so that became my goal to dissect it and make the best decision I could on what I felt was best for the state and the country.” Ellsworth added, “I would have liked to have seen something more incremental. When you have something that big it becomes ripe for misinformation and when people get misinformation they get scared.”

When the issue surfaced in their first debate on Oct. 11 in Indianapolis, Ellsworth said that when he first ran for Congress in 2006, he heard from hundreds of constituents about their escalating health care costs. “I am proud that we took it on,” he said. “Is it perfect? No. It was a good first step.” Coats said it as a 2,000-page behemoth that would cost “a trillion dollars” and not contain costs,

characterizing it as a “pent-up, 23-year liberal wish dream.” As Ellsworth entered the homestretch, he was facing fear and anger. Rasmussen’s September poll described 74 percent of Indiana voters “angry at the current politics of the federal government, including 47 percent who are very angry.” Ellsworth’s fav/unfavs stood at 38/44 percent (compared to 56/35 percent for Coats).

Coats came off as rambling during the first debate as Ellsworth went on the offensive, seizing on a long-simmering residency issue that Coats was no longer a true Hoosier, and digging deep into Coats’ lobbying career to justify the attack. He quoted Coats saying that in a 1992 debate with Democrat Joe Hogsett, “you go home and work in the private sector” after leaving Congress. “Instead,” Ellsworth repeatedly reminded voters that Coats did just the opposite, leaving Indiana to become a lobbyist. “He hasn’t paid taxes in Indiana, hasn’t voted here in 10 years. He has houses in Virginia and North Carolina.”

Within minutes of Coats’ political resurfacing on Groundhog Day, Indiana Democrats assessed and assigned a tag to him: Lobbyist. It was a theme of most of his TV ads and dozens of press releases. It just didn’t work.

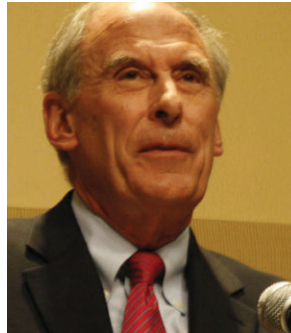
By a resounding 55-40 percent, Coats defeated Ellsworth on Nov. 2. He won 84 percent of the Tea Party vote, carried 84 of 92 counties, including 15 of 18 in Ellsworth’s 8th CD, including his home county. Coats carried every demographic.

“Hoosiers have every reason to be proud because with your help, we have done our part by turning a U.S. Senate seat from one that is fundamentally supportive of the Obama regime to one that firmly opposes it,” Coats told Republicans at Indianapolis’ historic Union Station Tuesday night about 90 minutes after his victory became the first Congressional Democratic seat to flip to the GOP.

Asked two days after the election if Coats thought he could have defeated Sen. Evan Bayh, he responded, “I would not have entered if I didn’t think that. It was the right thing to do. It would have been a very contested race and it would have come down to a narrow margin. Evan Bayh’s record was enabling the Obama agenda. He was not representing the Indiana I know.”

Ellsworth was philosophical about his defeat, noting that some candidates spend a lifetime planning a Senate race. “We did it in eight months,” he said. Ellsworth, along with the other “Bayh dominoes” tumbled to defeat.

No wonder Ellsworth would stand with DNC Chairman Tim Kaine at the Indiana Democratic Editorial Association convention just before Labor Day at French Lick, quipping, “I would like to thank Evan Bayh – I think – for this opportunity.” ♦





CD race analysis: Libertarian mailer won it for Donnelly

By **BRIAN A. HOWEY**

INDIANAPOLIS - With four freshman Republicans coming into Congress, Indiana was a pivotal 2010 battleground with ultimately two general and one primary elections that were competitive until the final stages.

While Rep. Marlin Stutzman and Rep. Elect Todd Rokita had smooth sailing in emphatically Republican districts, Rep.-Elect Larry Bucshon took advantage of the "Bayh Dominoes" in the normally competitive Bloody 8th CD, Republican Todd Young and Democratic Rep. Joe Donnelly had to wage intense, expensive campaigns on the road to victory. And one Republican, Rep. Dan Burton, literally staggered over the finish line, losing 70 percent of his district in the 5th CD primary and is now one of the most endangered incumbents in the nation moving into the 2012 cycle.

Here is our 2010 CD post-mortem:

2nd CD: The Libertarian effect

Libertarians tend to be the comedians of the Indiana political process, proclaiming their websites while admonishing their Republican and Democrat foes on their way to single digit results.

But in the 2nd CD, drawn as Indiana's most competitive district, Rep. Joe Donnelly won by just 2,538 votes over State Rep. Jackie Walorski (pictured at right) with Libertarian Mark Vogel winning 9,447 votes.

But it was a late direct mail campaign on behalf of Vogel, described as a "true conservative" by the Indiana Democratic Party, that might have pulled out this victory for Donnelly. "Joe Donnelly won because of the Libertarian candidate," said Indiana Democratic Chairman Dan Parker. "We saw to it that he polled 5 percent of the vote."

Without Vogel siphoning off nearly 10,000 votes that would have gone Republican otherwise, Donnelly likely would have been a fourth Democratic Congressional casualty in Indiana.

Walorski agreed, telling HPI on Tuesday, "It absolutely cost us the election." She said that going into the final week, "We felt that barring the bizarre, we'd beat him."

Then came the Democratic Party mailing. It took several days to register, but Walorski said, "He picked up

5,000 votes. Joe Donnelly is certainly a crafty campaigner. That's why they're talking about him running for governor."

On Election Night, Walorski called the tactic "the most dishonest thing I've ever seen."

"Joe Donnelly withstood an electoral wave of the size not seen in 60-plus years to win re-election to a third term in the House of Representatives," said his chief of staff Joel Elliott in a post-election memo. "Republicans defeated 52 Democratic incumbents in 2010. Overall, the GOP gained a net of 63 seats, the largest gain in House seats for any party in any election, mid-term or otherwise, since 1948. Republicans fared even better in Indiana. They defeated two incumbent Democratic members of Congress, eight incumbent Democratic members of the State House and two incumbent Democratic members of the State Senate. In addition, they won every statewide race in convincing fashion."

Donnelly was confronted by a Republican wave so



intense that on the Sunday before the election, shaking hands at a gate at the Chrysler Indiana Transmission plant, Donnelly heard UAW members thank him for helping save Chrysler, but told him they were going to vote Republican anyway. They were angry voters.

The Cook Partisan Index rates the 2nd CD as an R+4 district. Walorski and more than 5,000 volunteers waged an intense campaign and drew the endorsements of Sarah Palin and appearances by Newt Gingrich, Speaker John Boehner, Rep. Mike Pence and Mike Huckabee.

But it went beyond Walorski, who put together a stirring grassroots campaign. Elliott noted that Donnelly was confronted with more than \$2 million in third-party



spending; he also was targeted by at least 12 groups, "Each of which coordinated with the others to make uniform and therefore, more powerful attacks," Elliott said.

Those groups spent the following sums in an effort to defeat Donnelly: NRCC (\$562,969.13); The 60 Plus Association (\$397,020.74); American Action Network (\$319,000); Crossroads GPS (\$250,003.12); Susan B. Anthony List (\$153,530.48); American Crossroads (\$152,719); New Prosperity Foundation (\$148,350); U.S. Chamber of Commerce (\$38,745); Americans United for Life (\$14,964.69); Americans for Tax Reform (\$9,172); Revere America (\$1,534.20), and Americans for Prosperity (\$1,275).

Donnelly had some advantages over fellow congressmen Baron Hill and Brad Ellsworth, who lost races. Like Ellsworth, he voted against the cap-and-trade bill. Donnelly was attacked by anti-abortion groups, but he is pro-life and defended himself ardently throughout the campaign on that front. While he voted for President Obama's health reforms, he was one of the last Democrats to sign on based on the Stupak Amendment that brought about an executive order prohibiting federal funding for abortions. On those issues, Donnelly was able to build a campaign defense.

To put Donnelly's victory in perspective, it is instructive to look at how other Democrats in tough races and tough districts fared, Elliott noted. There were 61 Democrats who stood for re-election in November in districts with Republican PVIs. Only 18 prevailed. The races of 45 Democratic incumbents were rated as toss-ups. Just 16 won."

South Bend Tribune columnist Jack Colwell noted that Donnelly appeared to be in real trouble Tuesday night as results came in from St. Joseph County, by far the largest of the 12 counties that are all or partially in the district. He was ahead of Walorski there by only 8,495 votes, well below his win by 12,704 votes over Chris Chocola, then the Republican incumbent, in the last comparable midterm election in 2006. In all of the other counties, except Fulton, he also ran behind his pace of four years ago, when he won by more than 15,000 votes in upsetting Chocola. Still, despite the Republican hurricane, Donnelly picked up enough votes in Democratic St. Joseph and LaPorte counties to keep from being swept away in the smaller Republican counties.

Many expect a rematch in 2012, but Donnelly has already begun inoculating himself, voting for Rep. Heath Shuler over Speaker Nancy Pelosi for leadership.

9th CD: Young's message won

Republican Todd Young raised almost \$2 million to win an intense three-way primary and his general election defeat of U.S. Rep. Baron Hill. He attributes his victory to his message.

"It all starts with message," Young told HPI on Monday. "That's what made this all possible: by talking up front to voters about the economy and jobs, their kids' and grandkids' future."

It was that message, Young said, that gave his campaign a volunteer base that saved critical dollars on his way to a 118,040 to 95,353 win over Hill. Libertarian Gregg Knott received 12,070 after Indiana Democrats sent out a mailer calling him the "true conservative." Unlike the 2nd CD, the tactic had little impact as Young ran away with what many regarded as a "tossup" race.

Young said that he believed a late Public Opinion Strategies Poll showing him with a double-digit lead late. "That backed up what we were seeing and hearing on the ground," Young said.

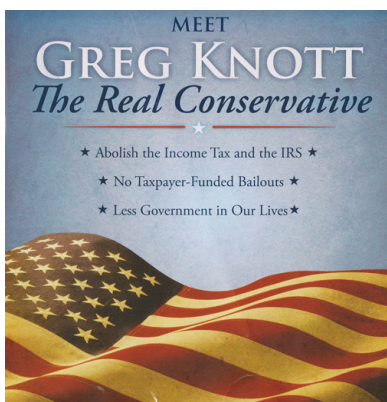
The only media poll - conducted for The Hill newspaper - showed the incumbent with a late 2-percent lead.

On Election Night, Young explained, "I do think it demonstrates that people were unhappy with the big-spending agenda we've seen coming out of Washington and they want to respect the forces of free enterprise that have led to job creation and opportunity in this country for hundreds of years."

Hill defended his record during the campaign and after getting beat. "I firmly believe from the bottom of my heart that we have saved this country from economic disaster, and the American people didn't see it that way. In part, that's our fault for not getting the message out," he said.

Hill defied another part of the Democratic playbook, which is to either disavow or ignore the health care and cap-and-trade votes. Hill has proceeded defiantly on both, saying he was "proud to support" the historic legislation, but added, "It's not a government takeover. It was insurance reform." He defended the Cap-and-Trade vote at the late-October Bloomington debate which occurred on a day when the temperature reached 80 degrees. Young handled that issue by saying he was skeptical of climate change research, but open to learning more. Such nuances were lost in the GOP wave.

Hill didn't flee House Speaker Nancy Pelosi, as fellow Blue Dog Donnelly did. After the Bloomington debate, HPI asked Hill if he were reelected, would he support Pelosi should Democrats maintain control of the House? "I want





to see who the nominee will be," Hill said. "I've voted for Nancy in the past. We'll figure out who the nominee will be."

Young said he wasn't surprised by Hill's attacks on Social Security, using the "Ponzi scheme" quote from a spring town hall in a series of TV ads. "We knew our stance on health care and cap-and-trade were more popular than Hill's," Young said. "I was surprised he defended those votes rather than backing away. That would be the only surprise."

Young also used the August 2009 Bloomington North HS town hall where Hill refused to let a student tape the proceedings, defiantly saying, "This is my town hall." The Bloomington Herald-Times recorded the event and the video went viral on YouTube. "I heard about that quite a bit from supporters," said Young, who used the clip in a radio ad. "We did regard that as an opportunity to contrast with Hill, but we received more feedback on the health care, stimulus and cap-and-trade issues."

As for Republican sources who repeatedly suggest Young failed to close ranks with Mike Sodrel and Travis Hankins supporters, Young cautioned, "Be careful about your sources. I extended a hand of friendship to those I had run against."

5th CD: A staggered incumbent

The other intense Indiana Congressional race occurred in the 5th CD primary in May. U.S. Rep. Dan Burton won a seven-way primary with just 29.67 percent of the vote, fending off former State Rep. Luke Messer by just 2,267 votes. Dr. John McGoff, the 2008 primary challenger, finished a distant third with 18.7 percent of the vote.

Essentially, 70 percent of 5th CD Republicans voted against the 28-year incumbent. That is a glaring weakness.

Messer is likely to gear up for another primary chal-



Todd Young (top) after the Bloomington debate with Rep. Baron Hill, and U.S. Rep. Dan Burton at the Statehouse Tea Party rally in April. (HPI Photos by Brian A. Howey and Steve Dickerson)

lenge in 2012. Burton was able to forge victories in the northern-most counties of the 5th - Huntington, Miami, Wabash and Howard - parts of the district that may not be there after the maps are redrawn this spring. Messer won in Grant, Hamilton, Hancock, Johnson and Shelby counties while McGoff won Marion County. Messer defeated Burton by 2,286 in counties within the Indianapolis media market. There was also an erosion of support from the congressman by scores of mayors, sheriffs and county commissioners.

Howard County Chairman Craig Dunn, who supported Burton, told HPI last fall that he told the congressman his support beyond 2010 was not guaranteed.

Messer raised \$570,000 - more than \$250,000 more than the nearest challenger - but not enough to overcome Burton's \$1.1 million war chest, \$850,000 of which was cash on hand from previous election cycles. Of that, only 12 percent of the incumbent's contributions came from Indiana and only 9 percent from the 5th CD.

In a memo from campaign consultant Jen Hallowell, she explained, "The bottom line is that the 2010 primary election clearly illustrated that Luke Messer is the strongest candidate - in total votes, fundraising ability, and effective messaging - to challenge Burton in 2012. If voters truly want to bring positive change and new leadership to Indiana's 5th, then it requires a more unified effort to narrow the field and support a clear frontrunner with the actual ability to win."

Messer told HPI that he has been in touch with not only his own supporters, but many who supported other challengers. A number of those Republicans have told them that had they known what they knew after the primary, they would have been inclined to support him. "I want to get through the holidays, focus on the Indiana General Assembly where I'll be working on education reforms, then explore potential levels of support," Messer said, saying a decision is likely by the second quarter of 2011.

Not only does Messer have his 2010 showing and Burton's glaring weaknesses culminating in just 30 percent support, but he is on great terms with General Assembly Republicans who will be drawing the maps. And Messer joined Fred Klipsch in raising more than \$1 million for Republican House candidates.

Messer expects Burton to seek another term, as does former aide State Sen. Mike Delph, who told HPI last month that Burton sees himself as the dean of the Indiana Congressional delegation that now sports four freshman Republicans. Burton is also back in a House majority. ♦



John Kass, Chicago Tribune: To some, Julian Assange is a champion of the anti-American left. Meanwhile, many conservatives want to see him convicted of espionage and sent to prison or worse. Though I'm a First Amendment absolutist, I wouldn't have published those stolen U.S. State Department cables. Still, he and others have the right to publish the news. But Assange - or the newspapers that published the documents - don't have the right to pretend there are no real consequences. "WikiLeaks has a four-year publishing history. During that time we have changed whole governments, but not a single person, as far as anyone's aware, has been harmed," Assange wrote in a hubris-filled op-ed piece Wednesday published in *The Australian*. "But the U.S. with Australian government connivance has killed thousands in the past few months alone." This debate isn't new. Since I'm writing for the *Chicago Tribune*, I should tell you what happened on June 7, 1942, during one of the most important battles in all of World War II, the Battle of Midway in the Pacific. The *Tribune* under Col. Robert McCormick published a front-page story under this headline: "Navy Had Word of Jap Plan to Strike at Sea." It reported that the Navy had advance knowledge of the size and movement of the Japanese fleet. The implication was clear: The Navy had cracked the Japanese code. President Franklin Roosevelt, who loathed McCormick, wanted to try him for treason. Some historians have written that Japanese intelligence did not fully comprehend the impact of the *Tribune* story. The Navy clearly did not want a trial, for fear of drawing more attention to the issue. So after five days of secret hearings, a federal grand jury in Chicago refused to indict. Did McCormick have the right to publish? Of course he did. The First Amendment is quite clear. But as a retired Army officer, he surely knew that such published information could put lives in jeopardy. He had a choice. And as a grownup, he must have understood the consequences. And that's something Assange and his hactivists - prattling childishly about sunshine and how nobody's been hurt "as far as anyone is aware" - pretend not to understand. ❖

Mizell Stewart III, Evansville Courier & Press: Democrats in Congress telegraphed their vulnerability by distancing themselves from the agenda they voted for. Rep. Brad Ellsworth's "Sheriff Brad" campaign for the U.S. Senate seat vacated by Evan Bayh was an object lesson. I didn't hear the former Vanderburgh County Sheriff give a full-throated (and convincing) defense of his vote in favor of health care reform until he appeared before the Rotary Club of Evansville two weeks before Election Day. It was as if Ellsworth had never been elected to Congress. Again, way too little, way too late. At the end of the day,

the independent voters who actually decide elections in this country want to know one thing: Do you have the courage of your convictions? Will you stand by those convictions and defend them against the odds? If not, let's give the other side a try. Love them or loathe them, George W. Bush and Sarah Palin both have that courage.

George Will, Washington Post: To those who say conservatives should set aside social issues and stress only economic ones, Pence replies: Economic problems are urgent, but social problems remain important in a way that blurs the distinction between social and economic issues. With the fluency of a former talk-radio host, he says: "You would not be able to print enough money in a thousand years to pay for the government you would need if the traditional family continues to collapse." This is, he says, "Moynihan writ large," referring to the late Sen. Daniel Patrick Moynihan's preoccupation with out-of-wedlock births, which now are 41 percent of all U.S. births. Pence's district borders Ohio, which provided the only president who came directly from the House (James Garfield, 1881). Fifty-one and just elected to his sixth term, Pence, outgoing Republican Conference chairman, says he has always thought six is about enough. He says he might run for governor in 2012. The Republican incumbent, Mitch Daniels, who is term-limited, might be a presidential candidate, and one such candidate might be enough from Indiana, which has provided only one president (Benjamin Harrison, 1889-1893). But if you have read this far you know why many tea partiers and social conservatives — essentially distinct cohorts — are urging Pence to run for president, and why, although he probably won't, he might. ❖

Tracy Warner, Fort Wayne Journal Gazette: For the second time this year, Evan Bayh has left Hoosier Democrats deeply disappointed and wondering where to turn. Ten months after his surprising announcement that he would not seek re-election to the U.S. Senate, Bayh said he won't be running for governor in 2012, either. Bayh said he was making the best decision for his twin sons, who are freshmen in high school. But the underlying message is hardly of solace to his many supporters: He doesn't want to move back to Indiana from Washington while his kids go to high school there. And his statement also included what sounded like the "objective" section of a résumé, casting a wide net: "There are many honorable ways to contribute to society — creating jobs, growing a business, helping guide an institution of higher learning, or helping run a worthy charitable endeavor. I'll continue to serve, but my contributions will take a different form and on a different stage." ❖



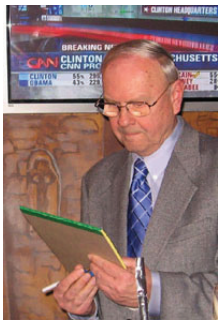


Remembering Trudy, Hoosier Joan of Arc

By JACK COLWELL

SOUTH BEND - The state auditor from South Bend went to jail, sort of, for five minutes, and the governor hailed her as "a modern day Joan of Arc."

It was part of a legal and political conflict involving the executive, judicial and legislative branches of Indiana government.



A 1970 court decision, with a contempt citation bringing the brief jailing of state Auditor Trudy Slaby Etherton of South Bend, involved a battle over millions of dollars and took the pocket veto right out of the governor's pocket.

I was honored last week to be one of the panelists to discuss this landmark case in the Indiana Supreme Court chamber - part of the court's legal history lecture series.

Thanks to Google, I tracked down Trudy Slaby Etherton - now Trudy Slaby Eissler - in Suwanee, Ga., and added her recollections to the discussion.

Gov. Roger D. Branigin had sought with a pocket veto to kill a measure to give the Marion County Mass Transportation Authority a big chunk of inheritance tax revenue that normally went to the state.

Presidents have a pocket veto, a sort of indirect veto by declining to sign legislation when Congress is not in session. But the Indiana Appellate Court ruled that Indiana governors do not because there is no authorization for it in the Indiana Constitution. So, the court said, the bill became law and the Marion County MTA should get over \$12 million that had instead gone to the state.

By the time of the contempt proceedings there was a new governor, Edgar D. Whitcomb, elected in 1968 along with a slate of other Republican state officials, including Auditor Etherton.

There was general agreement on the panel that Whitcomb, never known as the brightest light in the chandelier, wasn't concerned with lofty legal principles and precedents but just with keeping money for his administration.

Etherton was in a way an early day Sarah Palin. She was an attractive young woman who was added to the ticket for political reasons, though critics said she had no discernable qualifications for the office sought.

Like Palin, Trudy was no dummy and took advantage

of the opportunity. Although defeated for re-election as auditor, she went on to head the Bureau of Motor Vehicles, serve in special assistant posts in the Nixon administration and then do well in the private sector, where last she was a Macy's store manager in Florida. She and her husband of over 22 years, William Eissler, retired in Georgia four years ago.

"I was scared to death," Trudy recalled of the contempt proceedings and brief jailing. "I was young (27) and inexperienced."

While she has no terrible memories now, she added, "I would never like to be fingerprinted again."

She looked at it then as "defending Hoosier taxpayers" in refusing to provide a state check for Marion County, even with the Appellate Court threatening contempt and jail.

Whitcomb, backing her, made sure the state police would not arrest the auditor for contempt. So, the Marion County sheriff took on the responsibility. But Trudy found sanctuary in the governor's office before finally going to jail for five minutes for booking and fingerprinting and then being released quickly on a writ of habeas corpus.

Whitcomb declared that the courts had forced Mrs. Etherton into the role of a modern day Joan of Arc. On a card accompanying a dozen roses for Trudy, he wrote:

"The Emmy, for the best performance of 1970, in carrying out the duties of her office in a manner which brings great honor to herself and the people of Indiana."

Most of the news coverage at the time was not over the landmark decision over pocket vetoes but on whether the pretty 27-year-old auditor, then reportedly the youngest elected state official in the nation, would be jailed.

Five minutes there was enough. Trudy, with the governor finally approving, provided the check for Marion County.

Trudy says she looked at the dispute as "pure politics."

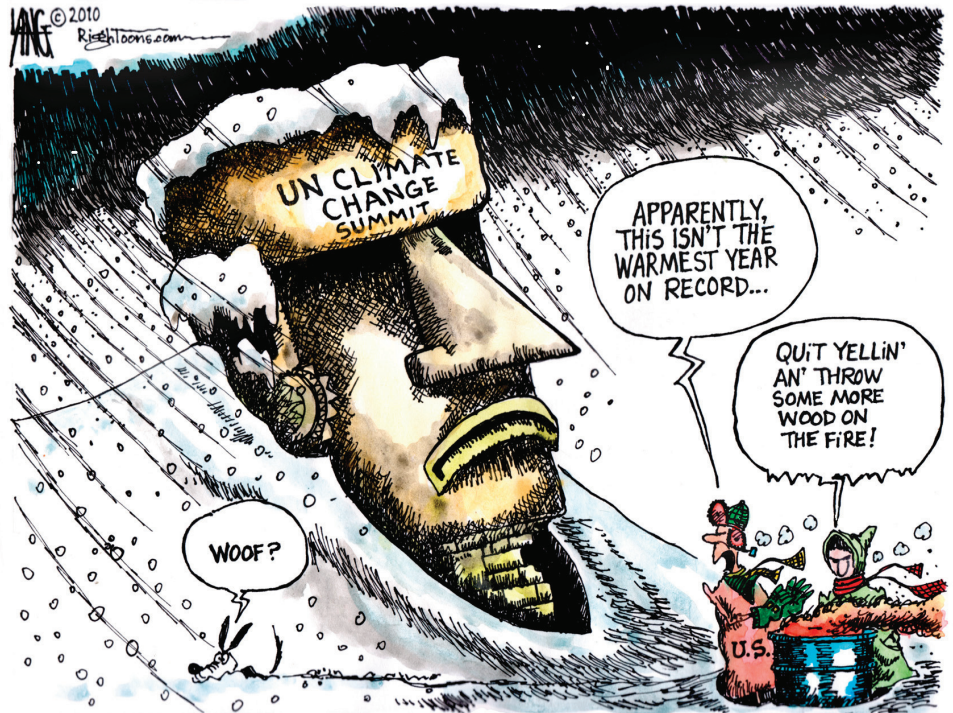
The Supreme Court is highly respected now, contrasting with state courts back then, when elected judges sometimes were political hacks. The court thus looks at this landmark case as about the roles of the branches of government, not about Joan of Arc. ♦

Colwell has covered Indiana politics over five decades for the South Bend Tribune.



Clark to resign as GOP chair

INDIANAPOLIS - Informed and reliable sources are telling HPI that Indiana Republican Chairman J. Murray Clark will step down today. Clark has been chairman since shortly after Gov. Mitch Daniels was inaugurated in 2005, becoming one of the longer tenured Republican chairs. "I cannot overstate what a privilege and honor it has been serving in this capacity," said Clark. "It's never easy to step away from a role that is as challenging and rewarding as chairman of your political party, but this timing makes best sense as we enter the next two election cycles. With the upcoming municipal races, redistricting, and the final two years of Governor Daniels term all getting underway in January, it is best for the party to hand over the reins as the new year kicks off." At the encouragement of several Republicans, Kevin Kellems made a round of exploratory calls. Kellems has deep and broad experience in politics, journalism and government - from local involvement in the Jefferson County GOP's recent renaissance - to the White House under Dick Cheney. Kellems now enjoys the support of several members of the Hoosier GOP congressional delegation, as well as some of the district and county chairmen they answer to. "Today is about celebrating the hard work, dedication and successes of all those in state party leadership, and at the grassroots, who helped make possible the enormous gains of the 2010 election on behalf of taxpaying Hoosiers," Kellems said. "Tomorrow will bring time to make the case personally for the next generation of party leadership - to each of the committee members, and beyond."



DUI for Kittle

CARMEL - The former head of the Indiana Republican Party and the name behind one of the biggest furniture retailers in the Midwest was arrested in Carmel last night on drunken driving charges (Indianapolis Star). James Louis Kittle, 67, was taken to the Hamilton County Jail and preliminarily charged with operating while intoxicated and operating while intoxicated with a blood alcohol level under .15 percent, both C misdemeanors. Bond was set at \$2,500. According to Carmel Police Lt. Jeff Horner, Kittle was driving left of the center line near 126th Street and Rangeline Road before midnight Tuesday. He later blew a .10 on a portable breath test, slightly above the state legal limit.

Fort Wayne lands Dem convention

FORT WAYNE - The Indiana Democratic Party will hold its 2012 state convention in Fort Wayne, the

first time the event will be held outside Indianapolis (WTHR-TV). Party chairman Dan Parker said Tuesday that city officials and businessmen put together a strong lobbying effort to persuade Democrats to move the convention outside the state capital. Parker says the goal is to turn the convention into an event where people can have fun. He says the announcement finalized a nine-month selection process. The state central committee voted Saturday to award the convention to Fort Wayne. The only other city to make a bid was Indianapolis. Parker says the move could begin a trend where the convention will be held in other Indiana cities.

Pence opposes Bush tax cut deal

WASHINGTON - U.S. Rep. Mike Pence is lining up against the tax deal (Politico). Pence pointed to the turnover in Congress as a reason for his opposition, saying in a Tuesday radio interview: "The American people



did not vote for more stimulus...they did not vote for more uncertainty on Nov. 2."

Fred Nation to run for TH mayor

TERRE HAUTE - Fred J. Nation, a lifelong resident of Terre Haute and an executive vice president for the Indianapolis Motor Speedway, told the Tribune-Star on Tuesday he will be a Democratic candidate for mayor of his hometown next year (Terre Haute Tribune-Star). Incumbent Mayor Duke Bennett next year will be completing his first four-year term in office. Nation said he made the decision to seek the city's top job five weeks ago. "I have lived in Terre Haute all my life and [have] been involved in politics and government for part of my life, especially working with both [U.S.] Sen. Birch Bayh and Gov. Evan Bayh," said Nation, who is 66. "I am ... concerned about the future of our community," Nation said. "I am concerned that we are not looking forward adequately in our community at a time when important decisions are going to be made."

Bennett says no to bargaining repeal

EVANSVILLE - If Tony Bennett gets his way, students may not be the only ones going home with letter grades (Evansville Courier & Press). The Indiana superintendent of public instruction and his staffers from the Department of Education offered some details on their proposed reforms to the state education system in presentations at Helfrich Park STEM Academy and Reitz High School on Tuesday evening. While Bennett and his team are pushing a broad array of changes, the presentations made Tuesday were mainly about how schools and teachers are assessed. New systems of

analysis for elementary, middle and high schools were proposed. Metrics from multiple years of data would be pulled, and emphasis would be given to both outright performance and growth. The details of the systems are still being adjusted, but Jeffery Zaring, state board of education administrator and Bennett's primary policy adviser, said he expected substantial differences between the formulas used to assess high schools and middle and elementary schools. Bennett also empathized with teachers that multiple years of outcomes should be used in teacher assessments. Bennett said the quality of his teaching was affected after his wife gave birth to triplets in 1986. "If you took a snapshot of my performance then, I struggled," he said. "It is more than what happens that one year." Bennett corrected confusion related to collective bargaining agreements. "There is no legislation we have written that repeals collective bargaining," he said.

Walker new GOP chair

INDIANAPOLIS - Marion County Republicans chose Kyle Walker to lead the party as it heads into the 2011 city elections, with control of the mayor's office and the City-County Council at stake. Walker, who led Mark Massa's unsuccessful campaign for county prosecutor, was elected party chairman in a 202-27 vote over Lawrence City Council member Gary Conner. Walker, 33, will succeed Tom John, who announced earlier this month he was stepping down from the post he had held since February 2007.

Tax deal still at risk in House

WASHINGTON - As the Senate

prepared to push through a sweeping tax package negotiated by the White House and congressional Republicans, liberal Democrats were laying plans Tuesday to unravel the deal in the House by changing the terms of a provision that would revive the federal estate tax. Senate leaders, meanwhile, postponed a vote on the \$858 billion package until this afternoon. Despite the delay, the measure was expected to sail through the Senate with even stronger support than it received in a test vote this week, when 83 senators voted to advance the package.

Lugar lauds new hunger law

WASHINGTON - U.S. Senator Dick Lugar released the following statement after the Healthy, Hunger-Free Kids Act of 2010 was signed into law: As a co-sponsor of the Healthy, Hunger-Free Kids Act of 2010, it passed earlier this year without a single dissenting vote in the United States Senate. Our nation has maintained school nutrition programs since the 1940's, in part as a matter of national security due to the effects of childhood malnutrition among military aged recruits. While the situation regarding food security for our population is different today, the basic underlying issue remains the same. For many children from low income homes, school meals provide the bulk of the nutrition they receive during the day."

Skillman to head Reagan centennial

INDIANAPOLIS - Lt. Gov. Becky Skillman announced she is working with the Ronald Reagan Centennial Celebration to lead Indiana's efforts to honor President Reagan in 2011. The 100th anniversary of his birth occurs on February 6.